

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gary A. Snyder

Application No. 10/661,411

Filed: September 12, 2003

Confirmation No. 6660

For: GRAPE FLAVORED POME FRUIT

Examiner: Jyoti Chawla

Art Unit: 1794

Attorney Reference No. 6522-78332-01

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COMMISSIONER FOR PATENTS

**SUPPLEMENTAL DECLARATION OF TODD A. SNYDER
UNDER 37 C.F.R. §1.132**

I, Todd Snyder am the marketing manager of Snyder LLC or C & O Nursery, Inc. In my capacity as marketing manager, I am familiar with the marketing and sales of grape flavored apples that are one of the subjects of the above-referenced patent application (hereinafter subject apples). The subject apples are marketed under the trademark Grapple®.

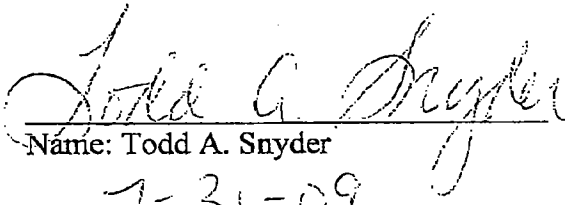
I previously submitted a Declaration in connection with the above-identified application signed on February 25, 2008.

My previous Declaration indicated that a Euro of the Grapple® brand product refers to a container that included 26 pounds of product. The 26 pounds in my earlier Declaration actually should have referred to the combined weight of packaging and apples. The actual quantity of apples included in a Euro of Grapple® brand product is about 15 pounds. This is as Robert A. Mast has recited in his accompanying Declaration. The average price recited in paragraph 3 of my earlier Declaration of about \$1.09 per pound was the average price of the entire container. Thus, when one eliminates the weight of packaging included in a Euro of Grapple® brand apples, the average price per pound of the subject apples is much greater than \$1.09 per pound. I

agree with Exhibit B of Mr. Mast's Declaration that for 2009 the average price was about \$1.79 per pound for the subject apples when the weight of packaging is deleted.

Otherwise my previously submitted Declaration is accurate.

I hereby declare that all statements made hereon of my own knowledge are true and all statements made on information believed to be true; and further, that these statements were made with the knowledge that willful false statements of the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Name: Todd A. Snyder

7-31-09
Date